

THE HON'BLE SRI JUSTICE N.V. RAMANA

-
W.P.No. 13682 of 1995

-
DATE: 14-11-2006

Between:

T. Satyanarayana

..Petitioner.

And

The Director, Transport Academy,
APSRTC, Musheerabad,
Hyderabad and another.

..Respondents

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THE HON'BLE SRI JUSTICE N.V. RAO

W.P.No. 13682 of 1995

ORDER:

This writ petition is filed to direct the respondents-Corporation to appoint the petitioner as Traffic Apprentice reckoning his seniority from the date the other selected candidates were appointed.

The petitioner joined in APSRTC as Conductor on 19-05-1979. The petitioner participated in the State and National level sports meets in the game of Kabadi. As per the circular dated 7.7.1977, the petitioner states the respondents-Corporation has to provide 1% reservation in the matter of appointment of meritorious sportsmen in the direct recruitments of Class III and IV Services. Pursuant to recruitment notification dated 30-07-1984, the petitioner applied to the post of Traffic Apprentice, as a departmental candidate. The petitioner claims that he had produced all the material satisfying the qualifications laid down in paragraph No. 2 of the Circular dated 07-07-1977 for the benefit of 1% reservation. However, it is the grievance of the petitioner that he has not been appointed as Traffic Apprentice under the 1% sportsman quota. Hence he made representations dated 31-10-1987, 18-11-1987 and 27-04-1988, but of no avail. Hence he filed W.P.No. 1940 of 1988, which was disposed of by the order dated

05-12-1994 directing the respondents to consider the case of the petitioner for appointment to the post of Traffic Apprentice within two months. The first respondent, by the proceedings dated 03-05-1995 communicated that the candidature of the petitioner for appointment as Traffic Apprentice was rejected on the ground that he had not secured minimum qualifying marks in the written test. Hence the writ petition.

Counter affidavit is filed on behalf of the respondents contending *inter alia* that as per the circular dated 07-07-1977 of the respondents-Corporation issued basing on G.O.Ms.No. 115 G.A. (Services-A) Department dated 21-02-1977 1% reservation to meritorious sportsmen is provided only for Class-III and Class-IV posts in ministerial staff and the said circular does not apply to the supervisory cadre and other higher categories. The post of Traffic Apprentice is Class-II post, which falls in the supervisory cadre and as such the said circular, is not applicable to the petitioner. The contention of the petitioner that the petitioner is a graduate and the others, who wrote the test along with him under sports quota, have not even passed 10th class nor do they have general knowledge is denied. The respondents did not select persons from lower posts to higher posts without written test.

Heard the learned counsel for the parties.

The contention of the petitioner that the circular dated 07-07-1977 issued by the Corporation providing 1% reservation to the recruitment in ministerial staff and class-IV posts is applicable to the posts of Traffic Apprentice cannot be accepted, for it is the specific case of the respondents that the said circular is applicable only for recruitment for class III & IV service and the post of Traffic Apprentice, being a Class-II post, falling in supervisory cadre, the said circular is not applicable to the petitioner. Since the petitioner did not secure the

minimum qualifying marks in the written test held for Traffic Apprentice, he was not selected. Since the circular dated 07-07-1997 is not applicable to the post applied for by the petitioner, he cannot claim 1% reservation under Sportsmen quota; and he having not secured the minimum qualifying marks in the written test, he is not entitled for appointment to the post of Traffic Apprentice, much less from the date others were appointed. Hence there is no reason to interfere with the order impugned. Accordingly there are no merits. The writ petition is dismissed. No costs.

N.V. RAMANA, J

Dated: 14 -11-2006
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